

# **EXHIBIT D**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

- - - - - x

DAVID GRIZZARD, :

Plaintiff, :

v. : Case No.:  
2:21-cv-00469

LG CHEM, LTD.; and DOES :  
1-50, :

Defendants. :

- - - - - x

CONFIDENTIAL BUSINESS INFORMATION

SUBJECT TO PROTECTIVE ORDER

Deposition of LG CHEM LTD.

By and through its Corporate Designee

HWI JAE LEE

Friday, August 26, 2022

8:26 a.m. KST

Job No.: 461026

Pages: 1 - 49

Reported By: Kadi A. Harmon

**CONFIDENTIAL BUSINESS INFORMATION**

Transcript of Hwi Jae Lee

August 26, 2022

18

1 sales, this would be where LG Chem is the 08:58:29  
2 officially listed shipper, that it is the sender 08:58:32  
3 of its products, whereby it ships or sends its 08:58:36  
4 products to its customers, and that would 08:58:41  
5 constitute authorized sales. 08:58:45

6 Q Okay. And can you tell me what an 08:58:47  
7 unauthorized sale might be? 08:58:51

8 MS. HEDLEY: I'm going to object that the 08:58:54  
9 question is vague and ambiguous. 08:58:57

10 A So I would speculate that unauthorized 08:59:13  
11 sales would pertain to the sales of our products 08:59:17  
12 through other means, other than what we officially 08:59:21  
13 use in an authorized capacity. By that, I mean 08:59:26  
14 that where our products are officially shipped out 08:59:30  
15 and sent out from our manufacturing facilities. 08:59:34  
16 But it's hard for me to give you a description of 08:59:37  
17 what would constitute unauthorized activity 08:59:39  
18 because by definition, these are not authorized by 08:59:44  
19 us, so we wouldn't know exactly what those are. 08:59:48

20 Q Would you characterize the sale of an LG 08:59:53  
21 battery by a Virginia retailer or distributor of 08:59:57  
22 electronic cigarettes as an unauthorized sale? 09:00:04

23 MS. HEDLEY: Objection, vague. 09:00:09

24 A Yes. I would think these are unauthorized 09:00:18  
25 sales. Because at the company, at LG Chem, it 09:00:29

**CONFIDENTIAL BUSINESS INFORMATION**

Transcript of Hwi Jae Lee

August 26, 2022

19

1 is -- we are prohibited from selling our products  
2 for use in e-cigarettes as standalone cells and  
3 that is not something that we would get approval  
4 for, so that's why we consider these to be  
5 unauthorized.

6 Q Okay. And you mentioned a little while  
7 ago that one of the documents you had reviewed  
8 was -- were letters that LG Chem had sent to  
9 various retailers and distributors in Virginia; is  
10 that correct?

11 MS. HEDLEY: Objection. Misstates  
12 testimony.

13 A Yes.

14 (Reporter clarification.)

15 Q So I'm going to put in the chat what I'll  
16 call Exhibit 4, although it is labeled as  
17 Exhibit 6. And I'll say that these are letters  
18 that we received from LG Chem along with their  
19 production of documents that are the letters we  
20 were just speaking about.

21 (Whereupon Exhibit 4 was marked for  
22 identification.)

23 A Okay.

24 Q And can you see these letters on my screen  
25 right now, Mr. Lee?

**CONFIDENTIAL BUSINESS INFORMATION**

Transcript of Hwi Jae Lee

August 26, 2022

46

1	18650 lithium-ion batteries there, in a warehouse,	10:14:39
2	for instance?	10:14:43
3	A No.	10:14:50
4	Q And has LG Chem ever employed anybody in	10:14:51
5	the state of Virginia during the relevant time	10:14:57
6	period?	10:15:00
7	A No.	10:15:00
8	Q Okay. If you wouldn't mind, if everybody	10:15:01
9	wouldn't mind, I'd like to take a brief break,	10:15:08
10	about 10 minutes. I just want to go over my notes	10:15:17
11	and the contents of the deposition so far and see	10:15:27
12	if I've missed anything. And when we come back, I	10:15:29
13	may have more questions, but I hope that I won't	10:15:31
14	have any and I can let you all go.	10:15:32
15	A Okay.	10:15:32
16	MR. CROSS: Okay. Is that acceptable to	10:15:34
17	everyone, to you, Rachel?	10:15:37
18	MS. HEDLEY: Yes. Thank you, Will. 9:25.	10:15:38
19	MR. CROSS: Perfect.	
20	MS. HEDLEY: Or for me, 9:25.	10:15:46
21	(A recess was taken.)	10:15:50
22	Q All right. Mr. Lee, I only have a few	10:27:24
23	more questions for you here and then I'll let you	10:27:26
24	go.	10:27:31
25	I just want to know: Did LG Chem ever	10:27:31

**CONFIDENTIAL BUSINESS INFORMATION**

Transcript of Hwi Jae Lee

August 26, 2022

47

1	distribute any LG Chem 18650 lithium-ion batteries	10:27:34
2	to anywhere else in the United States through a	10:27:38
3	Virginia port or airport, to your knowledge?	10:27:41
4	MS. HEDLEY: Objection. Beyond the scope	10:27:45
5	to the extent it's not date limited.	10:27:47
6	MR. CROSS: Let me qualify that.	10:27:51
7	Q Within the relevant time period?	10:27:53
8	A No.	10:28:15
9	Q So it would be true to say LG Chem never	10:28:17
10	shipped a single 18650 lithium-ion cell to or	10:28:26
11	through a Virginia port or airport? I just want	10:28:31
12	to make sure I have that correct.	10:28:35
13	MS. HEDLEY: Same objection. Beyond	10:28:37
14	scope. The question is not date limited.	10:28:39
15	MR. CROSS: And again -- my apologies,	10:28:43
16	Madam Translator -- that would be during the	10:28:47
17	relevant time period.	10:28:50
18	A So yes, that would be correct to say,	10:28:58
19	within that time frame.	10:29:02
20	MR. CROSS: Okay. That's all I have	10:29:04
21	today. So I'm done with the deposition. And I	10:29:07
22	will let you all go, unless there's anything	10:29:12
23	further, we can go off the record.	10:29:17
24	Rachel, do you object?	10:29:20
25	MS. HEDLEY: No. I don't have any	10:29:20

**CONFIDENTIAL BUSINESS INFORMATION**

Transcript of Hwi Jae Lee

August 26, 2022

49

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2  
3 I, Kadi A. Harmon, the officer before whom the  
4 foregoing proceedings were taken, do hereby  
5 certify that the foregoing transcript is a true  
6 and correct record of the proceedings; that said  
7 proceedings were taken by me stenographically and  
8 thereafter reduced to typewriting under my  
9 supervision; that review was not requested; and  
10 that I am neither counsel for, related to, nor  
11 employed by any of the parties to this case and  
12 have no interest, financial or otherwise, in its  
13 outcome.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 and affixed my notarial seal this 26th day of  
16 August, 2022.

17  
18  
19 My commission expires:

20 December 18, 2022

21  
22   
23 -----

24 NOTARY PUBLIC IN AND FOR THE  
25 STATE OF NEW YORK

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM